

Hand-Delivered

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIAL ACTION NO. 3:20-CV-00182-RJC-DSC

LEGRETТА F. CHEEK

Plaintiff,

vs.

GURSTEL LAW FIRM, P.C.,
WHITNEY M. JACOBSON
JESSE VASSALLO LOPEZ

Defendants.

FILED
CHARLOTTE, NC

JUL 31 2020

US DISTRICT COURT
WESTERN DISTRICT OF NC

PLAINTIFF'S MOTION TO TRANSFER

COME NOW Plaintiff Legretta F. Cheek ("Cheek") move this Court for relief in this Order to Transfer case number 3:19-cv-00182-RJC-DSC to United State District Court, District of Phoenix Arizona ("USDCAZ") for proper venue of Defendants GURSTEL LAW FIRM, P.C., WHITNEY M. JACOBSON, and JESSE VASSALLO LOPEZ, in accordance to 28 U.S.C. § 1404(a).

WHEREFORE, for the foregoing reasons and the reasons set forth in Ms. Cheek Cheek respectfully pray that the Court grant the relief sought for Motion to Transfer and for such relief this Court deems just and proper.

Respectfully submitted this 31th day of July, 2020.



Legretta F. Cheek
113 Indian Trail Rd N, Suite 100
Indian Trail, North Carolina 28079
lcheek9176@aol.com
Plaintiff *pro se*

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Plaintiff,

vs.

GURSTEL LAW FIRM, P.C.,
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Defendants.

PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER

COME NOW Plaintiff Legretta F. Cheek ("Cheek") move this Court for relief in this Order to Transfer case number 3:19-cv-00182-RJC-DSC to United State District Court, District of Phoenix Arizona ("USDCAZ") for proper venue of Defendants GURSTEL LAW FIRM, P.C., WHITNEY M. JACOBSON, and JESSE VASSALLO LOPEZ, (collectively "Defendants") in accordance to 28 U.S.C. § 1404(a).

In the United States District Court, District of Phoenix Arizona located at 401 W. Washington Street, Suite 130, SPC 1 Phoenix, AZ 85003-2118, Ms. Cheek seeks to transfer to this court since 15 U.S.C. § 1692k(d)¹ subject matter jurisdiction would be proper as well as personnel jurisdiction over the Defendants in accordance to 28 U.S.C. § 1331². Ms. Cheek files this motion for the following:

¹ There is no question that federal jurisdiction exists in this case, as Plaintiff's claims arise under federal law. The statute of limitations for a claim under the Fair Debt Collection Practices Act is one year. 15 U.S.C. § 1692k; *see also Olson v. Midland Funding, LLC*, 578 Fed. App'x 248, 250 (4th Cir. 2014).

² 28 U.S.C. 1331 states: The district court shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.

On December 6, 2018, Gurstel Law Firm filed a lawsuit in the Superior Court of Arizona, County of Maricopa, titled Bank of America, N.A., Plaintiff, v. LeGretta F. Cheek, Defendant for collections of an alleged debt. Currently, this case is still under Appeal in Arizona.

The United States code defines 28 U.S.C. § 1404(a): For the convenience of parties and witnesses, in the interest of justice, a district court may transfer any civil matter to any other district or division where it might be brought.

The purpose of 28 U.S.C. § 1404(a) is to “prevent the waste of time, energy, and money and to protect litigants, witnesses and the public against unnecessary inconvenience and expense.” *Van Dusen v Barrack*, 376, 612, 616 (1964) (internal citations and quotation omitted).

Ms. Cheek recognizes her error in filing in North Carolina District Court and is making a request for this case to be transfer to USDCAZ. It was inadvertent error since there was a lack of access to research facilities due to COVID-19. Ms. Cheek was unable to go to the law library to get access to LexisNexis, West Law or any of those systems. Ms. Cheek’s inadvertent error should be excusable. The Motion to Transfer is filed timely. Additionally the action the Defendants brought against Ms. Cheek in Arizona justifies the venue is proper to transfer to said case in USDCAZ.

WHEREFORE, for the foregoing reasons, Ms. Cheek respectfully prays that the Court grant relief sought for Motion to Transfer.

Respectfully submitted this 31st day of July 2020.



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113 Indian Trail Rd N, Suite 100
Indian Trail, North Carolina 28079
lcheek9176@aol.com
Plaintiff *pro se*

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Defendants.

CERTIFICATE OF SERVICE

I hereby certify **PLAINTIFF'S MEMORANDUM OF LAW IN SUPPORT OF MOTION TO TRANSFER** was **hand delivered on July 31, 2020**, to the United States District Court, Western District Court of North Carolina, 401 West Trade Street, Room 216, Charlotte, NC 28202. The Attorneys of records are served through the Clerk of Court electronic CM/ECF system, which will send an email notification of such filing to the following attorney of record:

Tonya L. Urps
McGuire Woods LLP
201 N. Tryon Street, Suite 3000
Charlotte, NC 28202
turps@mcguirewoods.com
Counsel for Bank of America, N.A.

Alan M. Presel
Brock & Scott, PLLC
8757 Red Oak Blvd., Suite 150
Charlotte, NC 28217
alan.presel@brockandscott.com
*Counsel for Brock & Scott, PLLC and/or
Birshari Cooper*

Caren D. Enloe
SMITH DEBNAM NARRON DRAKE
SAINTSING & MYERS LLP
P.O. Box 176010
Raleigh, NC 17601
cenloe@smithdebnamlaw.com
*Counsel for Defendants Gurstel Law Firm, P.C.
Whitney M. Jacobson, Jesse Vassallo Lopez*

This is the 31st day of July, 2020.

Respectfully submitted,

A handwritten signature in cursive script, reading "LeGretta F. Cheek". The signature is written in dark ink and is positioned above a horizontal line.

LeGretta F. Cheek
113 Indian Trail Rd. N Suite 100
Indian Trail, NC 28079
704-578-4889
lccheek9167@aol.com
Pro Se Plaintiff